


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

DEC 05 2006

JOHN F. BORCOPAN, CLERK
BY: 
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DONALD FIELDS,)	
)	Civil Action No. 2:06cv00036
Plaintiff,)	
)	<u>FINAL JUDGMENT AND ORDER</u>
v.)	
)	
DAVID ROBINSON,)	
)	
AND)	
)	By: GLEN M. WILLIAMS
VIRGINIA DEPARTMENT OF)	Senior United States District Judge
CORRECTIONAL)	
EDUCATION,)	
)	
Defendants.)	

This case is before the court on the defendants' Motion to Dismiss for the failure of the plaintiff to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6), (Docket Item No. 8), ("Motion"). The case was referred to the Honorable Pamela Meade Sargent, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge submitted a report and recommended disposition of this case recommending that the Motion be granted, (Docket Item No. 17).

The court, upon a review of the record and of the plaintiff's objections to the Magistrate's report and recommendation, (Docket Item No. 18), is of the opinion that the Magistrate Judge's report should be affirmed.

Thus, for the reasons detailed in the Magistrate Judge's report and recommendation, the defendant's Motion is hereby **GRANTED** with respect to the federal claims and is **GRANTED WITHOUT PREJUDICE** with respect to the state law claims. Judgment for the defendant is hereby entered.

The Clerk is directed to enter this Order and to send copies of this Order to all counsel of record. The Clerk is further directed that this case is to be closed and stricken from the docket.

ENTER: This 5th day of December, 2006.

A handwritten signature in black ink, appearing to read "Glen M. Williams", is written above a horizontal line.

THE HONORABLE GLEN M. WILLIAMS
SENIOR UNITED STATES DISTRICT JUDGE